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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,957	05/10/2006	Malcolm J. Kudra	32483-08	8650
7590 John B Hardway III Nexsen Pruet P O Box 10107 Greenville, SC 29603				
			EXAMINER	
			BITAR, NANCY	
			ART UNIT	PAPER NUMBER
			2624	
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			09/28/2010 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,957

Applicant(s)

KUDRA ET AL.

Examiner

NANCY BITAR

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-17 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/16/2010 has been entered.

Examiner Notes

1. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.
2. Applicant's arguments, in the amendment filed 9/16/2010 , with respect to the rejections of claims 1-4,6-10 and 13-20 under 35 U.S.C. 103(a) have been fully considered but are moot in view of the new ground(s) of rejection necessitated by the amendments. Therefore, the rejection

has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wright et al (US 2002/0048222)

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 14 -17,20-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 14 and 21 includes the limitation “a set of plural images having at least six million pixels per image” and “said software launching upon installation and allowing said first set to be seen at progressively higher resolutions “are not specified in the specification. Examiner could not refer to that teaching in the specification and therefore it is unclear where that essential element is found in the specification. Appropriate correction is required.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 teaches “making a first set of plural digital images of the skin” it is unclear and confusing how one can make and image of the skin. Examiner suggests amending

the claim to generate an image of the skin rather than making an image. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-17, 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US 2002/0048222) in view of Madden et al et al (US 2005/0033142)

Claim 14, Wright et al teaches a method for dermoscopic examination of moles of a patient's skin, said method comprising the steps of:

making a first set of plural digital images of the skin of a patient with a computer (a receiving module configured to receive medical image data, paragraph [0011]) , said first set including all of the skin of a patient, each image of said first set of plural digital images having at least six million pixels per image; storing, using said computer, said first set of plural digital images with software in a digital memory device (storing the medical images on a portable device, abstract) said software permitting viewing of said images when said digital memory device is read by a general purpose computer (processing the received image data, and transmitting such data to the production station 300A, 300B or 300Csee figure 3) ;reviewing said first set of plural digital

images in sequence using said general purpose computer with said digital memory device installed therein (paragraph [0031-0032]) , While Wright et al meets a number of the limitations of the claimed invention, as pointed out more fully above, Wright fails to specifically teach “software launching upon installation and allowing said first set of the skin of a patient to be seen at progressively higher resolutions; and annotating said first set of plural digital images Madden teaches skin mole management by using a dermatological setting includes the linking of a high resolution dermatological image with a unique location or area on the three-dimensional representation, preferably in an electronic manner using a computer-based system. Once the high resolution image is linked in this manner, its cataloguing and later retrieval are easily accomplished by simply pointing a pointing device, such as a computer mouse, on a particular location on the three-dimensional representation that is presented on a computer display, to retrieve the particular high-resolution image. Besides the location data of the high-resolution image (i.e. with respect to a location on the three-dimensional representation) other information related to the high-resolution image may also be stored along with the high-resolution image ([0016-0018]). Moreover, Madden et al teaches the monitoring of several to hundreds of unusual moles (e.g., dysplastic nevi) over time. The monitoring includes the comparison of the moles over time, which is usually achieved by comparing older images with newer ones to assess mole growth, new mole development (see paragraph [0018-0020]) .It would have been obvious to one skilled in the art to allow a set of skin to be seen at higher resolution in order to have an accurate localization and identification of the mole thus facilitating treatments. Therefore, it would have been obvious to obtain the invention as specified in claim 1.

With regard to claim 15, Madden discloses further comprising the steps of:

making a second set of plural digital images of the skin of said patient, using said computer images of said second set corresponding to images of said first set to define image pairs; storing said second set of plural digital images in said digital memory device; and comparing using said computer, said first set to said second set of digital images to determine if there are changes in moles present on the skin of said patient (paragraph [0020-0024]).

With regard to claim 16, Madden discloses wherein said comparing step further comprises the step of comparing image pairs side by side using said computer (the growth of a particular skin lesion can be easily tracked in the manner described below by comparing two captured images of a given lesion, paragraph [0017]).

With regard to claim 17, Madden discloses wherein said comparing step further comprises the step of comparing corresponding image pairs using said computer by overlaying said images of said first set with images of said second set (paragraph [0020-0021]).

With regard to claim 20, Wright et al teaches the step of installing, using said computer, a software application on said digital memory device, said software application having a graphical user interface and being adapted for managing said first set of plural digital images (see paragraph [0034-0036]).

The limitation of claim 21 has been addressed above.

As to claim 22, Madden et al teaches the image management system as recited in claim 21, wherein said software is programmed to enable set of images to appear on said monitor of said computer a set of thumbnail images upon launching of said software (an array of several (e.g., 27) digital cameras may be used where the cameras are triggered, paragraph [0019-0020]; see also Wright figure 1 and 3)

As to claim 23, Madden et al teaches the image management system as recited in claim 22, wherein said software application is programmed to enable said user to select a thumbnail image of said set of thumbnail images to enlarge to an intermediate image (figure 2, 203D).

As to claim 24, Madden et al teaches the image management system as recited in claim 23, wherein said software is programmed to enable said user to marquee a portion of said intermediate image (means for texture mapping portions of the three-dimensional representation with high resolution dermatological images (paragraph [0008],[0032-0034] and figure 4A,4B) .

As to claim 25, Madden teaches the image management system as recited in claim 21, wherein said set of images is consistent with said subsequent and said previous sets of images so that each image of said set of images shows the same portion of a patient's skin (see abstract),.

As to claim 26-27, Madden et al teaches the image management system as recited in claim 21, wherein said software is programmed to associate annotations made by said user about said each image with said each image (figure 2 and paragraph [0037]) .

As to claim 28, Madden et al teaches the image management system as recited in claim 21, wherein said software is programmed to overlay said each image of a previous set or subsequent set of images over said each image of said set of images (The volumetric representation of the body of the subject then serves as a platform to integrate multiple overlapping lower resolution images onto a single higher resolution representations. This integration may be achieved with a series of still images or from a video of the skin surface (paragraph [0023-0025]).

9. *Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al (US 2002/0048222) in view of Madden et al et al (US 2005/0033142), and further in view of Killcommons et al (U.S. Patent 6,424,996).*

With regard to claim 29, Wright and Madden are silent about means for reversing said plural digital images so that a user can see said plural digital images as if in a mirror. However, in the same field of endeavor, Killcommons teaches this feature (see col. 14, lines 56-63). At the time of the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Killcommons image magnification process into Wright et al system. The suggestion/motivation for doing so would have been to provide the process of selecting percentage of zooming (see col. 13, lines 59-67).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikram Bali can be reached on 571-272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nancy Bitar/

Examiner, Art Unit 2624

/Wes Tucker/

Primary Examiner, Art Unit 2624